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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,081	09/17/2003	Toshiya Uemura	T36-159070M/KOH	5081

21254 7590 02/13/2006

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EXAMINER

JACKSON JR, JEROME

ART UNIT PAPER NUMBER

2815

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,081	Applicant(s) UEMURA, TOSHIYA	
	Examiner Jerome Jackson Jr.	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-14, 21-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9,12-14,16-19,21-25 and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jp '028.

The previous rejection still applies. New claim 25 is rejected as any light which escapes the device must be "released" from the substrate surface. New claim 27 is rejected as there are electrodes 4b and 4c of '028 which must reflect some light toward the swollen portion. It is an inherent property of conductive layers as 4b and 4c that they will reflect light, and because light is generated in the interior of the device, some light will necessarily be reflected from 4b and 4c toward the "swollen portion".

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jp '028 in view of Krausse '686.

The previous rejection applies.

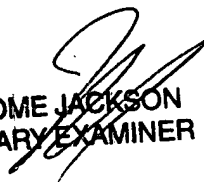
Claims 10, 11 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed 12/2/05 have been fully considered but they are not persuasive. In regard to the light emitting surface of Jp '028, it is a physical property of p-n junction devices as Jp '028 and applicant's device that light is isotropically emitted in all directions from the p-n junction active emission area. Light is reflected from or transmitted through all surfaces of the device

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depending on the angle of incidence, overlying reflection or transmission layers, etc. The broad recitations of the claims, "comprising a substrate surface as a main light-extracting surface" do not structurally distinguish the claims over the applied art. "Main light extracting surface" is a mere label describing a surface through which light is transmitted. "Main" is a label. Any surface through which light is transmitted in Jp'028 can be arbitrarily labeled a "main light extracting surface". There are no concrete recitations distinguishing applicant's "main" surface over the "main" surface of Jp '028. Any or all of the light transmitting surface of Jp '028 is a "main" surface. Furthermore, a "substrate surface" of both applicant and Jp '028 has to be a "main light extracting surface". How else would the light exit the device ? The light has to cross a surface to escape. The claim recitation is broad and structurally indistinguishing over the applied art.

Arguments regarding Krausse are also unconvincing of patentability as Jp '028 shows a "main" surface. Krausse shows multiple bond wires for "electrical, thermal and mechanical advantages" See the abstract. It is also an inherent property that multiple wires reduces inductance and increases thermal dissipation by increasing the volume of thermal flow and reducing the current density in the bond wires.


JEROME JACKSON
PRIMARY EXAMINER